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PROPERTY RIGHTS IN THE PERSPECTIVE OF THE QUR'AN (A COMPARISON OF OWNERSHIP IN THE CAPITALIST, SOCIALIST AND ISLAMIC ECONOMIC SYSTEMS)

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Abstract

Islamic views on property ownership depart from the notion that individuals have an innate desire to possess property (fithrah), as Islamic societies depend on other people to function. The riches or money that Allah SWT has bestowed upon this universe is a gift to humanity and should be used as efficiently as possible to ensure everyone's financial security. One topic covered in economics classes, including socialism, capitalist, and Islamic economics, is ownership rights. Ownership rights are determined by certain characteristics of each economic system. The number of assets (goods and services) that can be owned is limited under a socialist economy, but the method of acquisition (quality) remains unconstrained. This suggests that you can distribute it in whatever way you want. Meanwhile, the capitalist economic system views property ownership as unlimited, both in terms of quantity and quality; that is, any kind of property ownership is acceptable as long as it does not restrict the freedom of others. Islam acknowledges, but does not fully give, the right of humans to own the materials they use for production and consumption, in contrast to socialism and capitalist economic systems.

Keywords: *Property rights, capitalist economic system, social and Islamic economics..*

1. INTRODUCTION

Historically, the issue of ownership has existed andiiemerged since the existence of the firstIIhumans on this earth. People had not considered keeping what they had at the time, thus ownership at that point meant nothing more than using things to satisfy their wants. This is because there were a lot of necessities for life at that time, yet there weren't many people on the planet. Ownership ofIIsomething at that time, only for use to fulfill their needs (Efendi et al., 2022). But as time went on and societal expectations grew, people started to progressively become more numerous and occupy all available space on Earth. uring that period, competition arose as people sought to satisfy their needs, fostering a collective desire for fulfillment. Consequently, the concept of ownership evolved from merely serving basic life necessities to encompassing authority and influence. This transition marked the emergence of the term "al-milkiyyah" as synonymous with ownership or property (Sainul, 2020).

One subject commonly addressed in economics education is the concept of property rights, encompassing various economic ideologies such as socialism, capitalism, and Islamic economics (Akbar, 2012). Capitalist economic systems, characterized by unrestricted ownership regardless of quantity or quality, often exacerbate social inequality, whereas socialist economic systems, which limit ownership and emphasize state control, can lead to the consolidation of authoritarian power (Satrio, 2013a). Those with significant capital holdings typically enjoy greater prosperity and influence, resulting in the accumulation of vast wealth (property), while individuals experiencing financial hardship encounter increasing barriers to property ownership (Ulfah, 2021).

As a universal religion, Islam teaches justice to all human beings (Muhsin et al., 2022). The Qur'an and Hadith are very concerned with the issue of human economic behavior over the material resources created by Allah for humans. Islam recognizes the right of humans to own for consumption and production but does not grant this right in absolute terms (Syekh, 2012). In the Qur'an some verses show the pattern of creating economic resources for nature, there are QS. Ar-Ra'd:3; Al-Mulk:15; Ali imran:180; An-Nisa:5; Fatir:29-30; Al-Qashash:77; Asy-Syura:36, Al Hadid:7. One of the verses in the Qur'an which shows that ownership is not an absolute or absolute property right is in Surah Al-Imran verse 180 which says:

وَلَا يَحْسَبَنَّ الَّذِيْنَ يَبْخَلُوْنَ بِمَآ اٰتٰىهُمُ اللّٰهُ مِنْ فَضْلِهٖ هُوَ خَيْرًا لَّهُمْ ۗ بَلْ هُوَ شَرٌّ لَّهُمْ ۗ سَيُطَوَّقُوْنَ مَا بَخِلُوْا بِهٖ يَوْمَ الْقِيٰمَةِ ۗ وَلِلّٰهِ مِيْرَاثُ السَّمٰوٰتِ وَالْاَرْضِۗ وَاللّٰهُ بِمَا تَعْمَلُوْنَ خَبِيْرٌ ع ١٨٠

Means:

"Let not those who are miserly with the bounty that Allah bestows upon them think that (miserliness) is good for them. On the contrary, (stinginess) is bad for them. On the Day of Judgment, they will be girded with something with which they were miserly. To Allah belongs the inheritance of the heavens and the earth, and Allah is Exhaustive of what you do".

The verse explains that to Allah belongs the inheritance in the heavens and the earth. Allah is meticulous about what people do, and He has commanded them to sacrifice their wealth for the cause. The essence of the prohibition against being stingy are: a). Allah swt forbids people from being stingy with the wealth they have b). Allah swt commands people to strive with their wealth in the way that is pleasing to Him.

In addition to regulating property rights differently from socialism or capitalist systems, the Islamic economic system is a unique economic system. Then next, the authors discussed: The Concept of Ownership in Islamic Economics.

2. RESEARCH METHOD

Data Collection Technique

This study employed secondary data gathering techniques using literature study research, which involved reading, analyzing, and paraphrasing ideas or concepts from a variety of literary works, including novels, journals, and other publications.

Data Analysis Technique

The data processing method in this study used a qualitative descriptive method, This is a research procedure that produces descriptions in the form of written words from literature studies or literature studies based on deepening literature studies in the form of theoretical data and fatwas, so that reality can be understood properly (Sugiyono, 2018).

3. RESULTS AND DISCUSSION

3.1. Definition of Ownership

Ownership is the main issue in human economic activity. Theologically, true ownership is in the hands of Allah SWT. Islam outlines that ownership is always understood in two dimensions, namely general ownership and special ownership. General ownership is related to the character of humans as social beings, while special ownership is related to humans as individual beings. Human beings must be given equal space to access common sources of wealth. There is no difference in it, considering that humans have the same position in the sight of God.

The definition of ownership is very much conveyed by fiqh experts. However, the definition of ownership must at least describe the nature of ownership and the law of ownership, namely the influence and results of ownership (Ulfah, 2021). The definition that can explain these two principles is the understanding conveyed by Ibnu Al-Humam, is: "Property rights are the powers given by Allah SWT to a person to do anything with what he owns except what is prohibited".

So, from this understanding, it is understood that, in the concept of Islamic ownership, the ultimate owner is Allah SWT, while human ownership is ownership as Khalifah or messenger on earth. In simple terms, it can be described as:" A property right gives the owner of an asset the right to the use and benefits of the asset, and the right to exclude others from them" (Fang et al., n.d.). It is different from the socialist and capitalist economic systems; Islam admits the right of human beings to own their materials for consumption and production but does not grant this right in absolute terms, as Allah said in surah Al Hadid verse 7:

اٰمِنُوْا بِاللّٰهِ وَرَسُوْلِهٖ وَاَنْفِقُوْا مِمَّا جَعَلَكُمْ مُّسْتَخْلَفِيْنَ فِيْهِۗ فَالَّذِيْنَ اٰمَنُوْا مِنْكُمْ وَاَنْفَقُوْا لَهُمْ اَجْرٌ كَبِيْرٌ ٧

Means:

"Believe in Allah and His Messenger and spend (in the cause of Allah) some of what He has entrusted to you and has made you ruler over it. Then, those who believe among you and spend in the cause of Allah will have a great reward".

What is meant by control here is control that is not absolute. Property rights are essentially with Allah. Human beings should spend their wealth according to the laws that Allah has prescribed. Therefore, it is not permissible to be miserly and wasteful.

A person's legal and recognized connection to their property is known as ownership under Shariah. According to the basic law, property is legal to own except for property that has been set aside for the public interest, such as waqf and public facilities. There are four models of ownership, namely:

1. Full ownership;
2. Ownership of the relevant object as well as the right utilize it;
3. The right to own only without the right to utilize;
4. Right to use only (ownership of use rights);

Al-milkiyah is the term for ownership in Islamic law. Etymologically, al-milkiyah signifies ownership. Another meaning of al-milk is the ownership of something (al-mal or property) and the right of someone to act freely on it. Al-milkiyah is the term for something that is owned and may be used by someone. There are several definitions of ownership including those put forward by fiqh scholars such as the definition of Muhammad Musthafa al- Shalabi is a privilege over an object that prevents others from taking action on it and allows the owner to act directly on it as long as there is no syara' impediment'. The definition expressed by ulama Wahbah al-Zuhaily and Ahmad al-Zarqa about ownership equally emphasizes the right to use the authority of its owner unless there are certain legal obstacles (Pangiuk, 2011).

3.2.History and Understanding of Ownership

The Qur'an has provided an overview of the origin of property or property rights that were first given by Allah to the first humans and then passed down to the next generation. Thus, the beginning of the history of ownership is the same as the beginning of humanity itself. The practice of human life in the early phases of history was group in the search for life, between humans with one another could not be separated. In this phase, private property also means family property, they protect and safeguard the property together from threats from other parties.

In the early phase, collective ownership was more dominant than private (individual) ownership, then individual property rights gradually appeared to fade as the collective ownership system began to fade. Greek philosophy asserts that one of the human needs is the need to feel belonging. Ownership must exist both for the individual and the community (collective). Aristotle argued that personal belonging is the main factor for the realization of an ideal society. Furthermore, Aristotle opposed the opinion of his teacher Plato, who recognized collective ownership even involving children and women. According to Aristotle, his teacher Plato's opinion could lead to the misery of society because the happiness of society depends on happy individuals. A person in society will not be happy without a sense of ownership, because with property rights, humans are passionate and want to work.

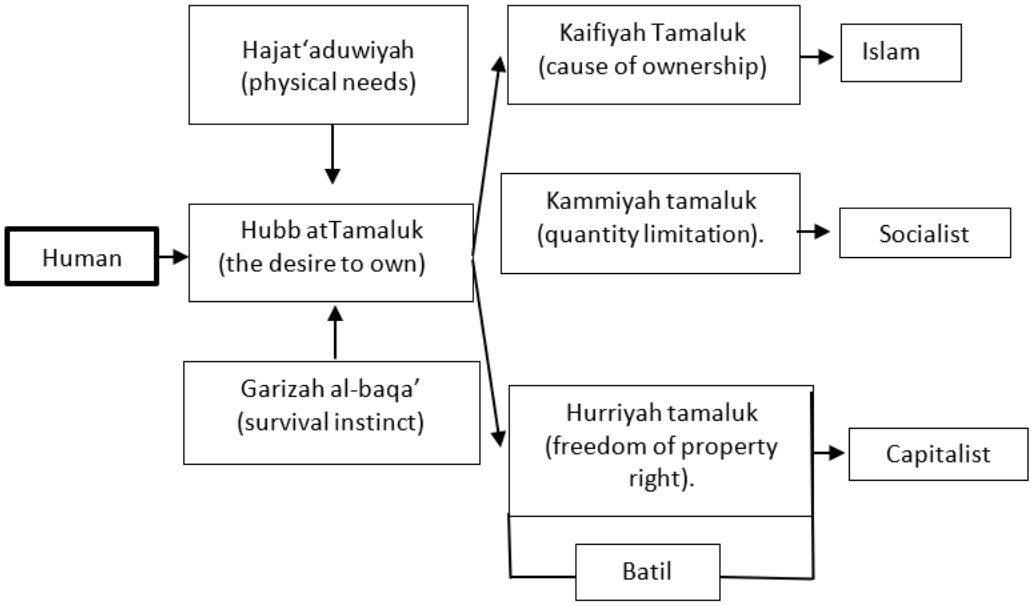
Property Rights System in Islam

Islamic law defines legitimate possession as that which results from a procedure that Islam has approved. Ownership according to the view of Islamic fiqh occurs due to; (1) Maintain the law; (2) Transfer of rights transaction, and (3) Changing ownership position. According to Taqyudin, the causes of a person's ownership of an item can be obtained through five causes, they are:

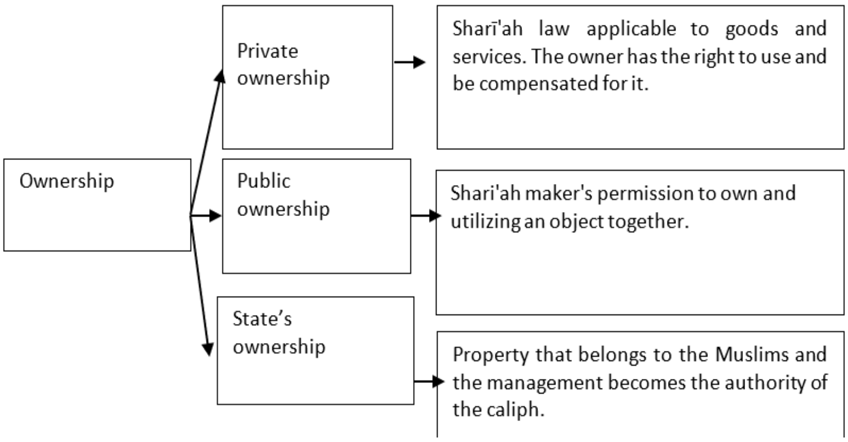
1. Work;
   a. Bringing the dead land to life;
   b. Exploring the earth's content;
   c. Hunting;
   d. Samsara;
   e. Mudharabah;
   f. Musaqat;
   g. Ijarah;
2. Inheritance;
3. The need for wealth to survive;
4. State-given property given to the people;
5. Assets that a person acquires without spending any money or labor, including:

a. Personal relationship (grant or gift);
b. Ownership of wealth as compensation for harm;
c. Receive the dowry and other things acquired through the marriage contract;
d. Luqathah (found goods);
e. Compensation given to the caliph or those of equal status (performing governmental duties);

In summary, the causes of ownership in Islam can be distinguished from the causes of ownership in socialist and capitalist economies as follows:



There are three categories of property rights in Islam, namely: Private ownership, state's ownership, dan public/voluntary ownership (waqf briefly describes ownership rights as follows:



Based on the motto of each economic system, private ownership is the lifeblood of capitalism, Therefore, whoever controls the factors of production will win, "The capitalist moto is: Everybody for himself and devil take the hindmost", whereas in the socialist economic system everyone will get according to what he does. The socialist motto is: “From each according to his worth, to each according to his work”.

Thus, capitalist economy is based on special property rights or individual property rights. It grants to every individual the right to own anything, both production and consumer goods, without any strings attached. Socialist economics emphasizes public property rights or property rights of many people played by the state over the means of production, does not admit individual property rights, the state is the sole owner of the means of production.

The Islamic economic system has a special and original attitude towards property rights. Islamic economics recognizes the property rights of the individual as well as the property rights of the masses, it provides its field of action. Property rights in Islamic economics are not absolute but are bound by ties to realize the interests of many people and prevent harm. Private property rights according to the Islamic view (fiqh) have social care characteristics that are different from other economic systems. Social care in Islamic economics is very different from the egoistic capitalist system and the socialist economic system that leads to the emergence of authoritarian power.

Islam admits and legalizes private ownership, permits people to save money, encourages people to be creative and develop their talents and work, But Islam also provides various rules and social care pressures on individual owners, lest in investing do not pay attention to the negative impact on other parties. There are three pillars of private ownership according to Islam, namely:

- Control of the owner’s behavior.
- Zakat obligation imposed on the owner.
- Disenfranchising private property in times of emergency.

Islam regulates property rights, because it wants to destroy two very dangerous things, namely:

1. The disobedience of wealth and the existence of an excessive attitude towards the wealth owned so that it affects the psychologist of the owner.
2. Destitution and its effects that can destroy a person and the people.

So, it can be said that the Islamic economic system is founded on the pillar of "Economic freedom that is bound by the economic freedom of the people". This means that the system does not give individuals absolute economic freedom but ties this freedom to the limits and values believed in Islam.

4. CONCLUSION

Human efforts to obtain wealth is a fitri, even a necessity, it's just that obtaining and utilizing it is not justified at will. Property comes principally from God, so it must be used responsibly.

Al-milkiyah is the term for ownership in Islamic law. Etymologically, al-milkiyah signifies ownership. Another meaning of al-milk is the ownership of something (al-mal or property) and the right of someone to act freely on it. Al-milkiyah is the term for something that is owned and may be used by someone.

In real and legal terms, ownership is the power an individual has over something, such as goods or property, enabling them to carry out legal actions such as purchasing and selling, making grants, obtaining waqf, and so forth. In theory, an individual is free to do as they please or refrain from doing so unless there is a specific hindrance acknowledged by Shara. Every individual has the right to develop their private property in ways that are justified by Islamic sharia.

Islam forbids its followers to be lazy so that they become poor because of this trait, but Islam also does not justify the way to get wealth just by capitalizing on money without making certain efforts, simply for opportunity cost reasons, such as customers who save money in a bank receiving interest on their money every month.

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